

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

In the matter of)	
)	
Implementation of Section 621(a)(1) of the Cable)	
Communications Policy Act of 1984 as amended)	MB Docket No. 05-311
by the Cable Television Consumer Protection and)	
Competition Act of 1992)	
)	

**COMMENTS OF PIEDMONT TRIAD COUNCIL OF GOVERNMENTS (PTCOG)
ON BEHALF OF ITS MEMBER GOVERNMENTS LISTED AT ATTACHMENT**

**IN RESPONSE TO THE FURTHER NOTICE
OF PROPOSED RULEMAKING**

PTCOG submits these comments in response to the Further Notice of Proposal Rulemaking, released March 5, 2007, in the above-captioned rulemaking ("Further Notice").

1. PTCOG is the local regional council representing its members (see attachment) in cable franchising matters. There are six franchised cable operators within our jurisdiction. Those cable operators, along with the current expiration dates of their franchises are: Time Warner; LEXCOM; Charter; Uwharrie; Piedmont; and Comcast. The thirty-four franchise agreements expire at various times from June 1, 2007 to April 21, 2021 (see attached list)

2. We support and adopt the comments of the National Association of Telecommunications Officers and Advisors, the National League of Cities, the

National Association of Counties, the U.S. Conference of Mayors, the Alliance for Community Media, and the Alliance for Communications Democracy, filed in response to the Further Notice.

3. We oppose the Further Notice's tentative conclusion (at ¶ 140) that the findings made in the FCC's March 5, 2007, Order in this proceeding should apply to incumbent cable operators, whether at the time of renewal of those operators' current franchises, or thereafter. This proceeding is based on Section 621(a)(1) of the Communications Act, 47 U.S.C. § 541(a)(1), and the rulings adopted in the Order are specifically, and entirely, directed at "facilitat[ing] and expedit[ing] entry of new cable competitors into the market for the delivery of video programming, and accelerat[ing] broadband deployment" (Order at ¶ 1).

4. We disagree with the rulings in the Order, both on the grounds that the FCC lacks the legal authority to adopt them and on the grounds that those rulings are unnecessary to promote competition, violate the Cable Act's goal of ensuring that a cable system is "responsive to the needs and interests of the local community," 47 U.S.C. § 521(2), and are in conflict with several other provisions of the Cable Act. But even assuming, for the sake of argument, that the rulings in the Order are valid, they cannot, and should not, be applied to incumbent cable operators. By its terms, the "unreasonable refusal" provisions of Section 621(a)(1) apply to "additional competitive franchise[s]," not to incumbent cable operators. Those operators are by definition already in the market, and their future franchise

terms and conditions are governed by the franchise renewal provisions of Section 626 (47 U.S.C. § 546), and not Section 621(a)(1).

5. We strongly endorse the Further Notice's tentative conclusion (at para. 142) that Section 632(d)(2) (47 U.S.C. § 552(d)(2)) bars the FCC from "preempt[ing] state or local customer service laws that exceed the Commission's standards," and from "preventing LFAs and cable operators from agreeing to more stringent [customer service] standards" than the FCC's.

Respectfully submitted,

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April 11, 2007

Enclosure:

List of represented municipalities and counties with listing of expiration dates of franchise agreements

**PIEDMONT TRIAD COUNCIL OF GOVERNMENTS LIST OF REPRESENTED
MUNICIPALITIES AND COUNTIES WITH LISTING OF EXPIRATION DATES
OF FRANCHISE AGREEMENTS**

COUNTY/CITY	CABLE OPERATOR	ORDINANCE DATE	FRANCHISE DATE	FRANCHISE EXPIRES
Alamance	Time Warner	10/01/94	12/5/94	12/5/2009
Caswell	Comcast	08/01/85	3/1/85	7/1/2007
Caswell	Charter		7/22/91	7/22/2006
Davidson	Time Warner	09/28/04	11/24/98	6/30/2013
Davidson	Time Warner	09/28/04	1/24/89	8/23/2009
Davidson	Piedmont Cable	09/28/04	7/1/96	6/11/2006
Davidson	Uwharrie cable	09/28/04	7/26/88	7/26/2013
Davidson	LEXCOM	09/28/04	5/27/97	5/27/2012
Guilford	Time Warner	11/13/97	4/23/98	4/23/2013
Randolph	Time Warner	None	5/4/87	5/4/2007
Rockingham	Time Warner	01/01/74	9/8/03	9/8/2018
Archdale	Time Warner	None	6/23/98	6/23/2013
Asheboro	Time Warner	09/09/04	3/10/05	3/10/2020
Burlington	Time Warner	None	12/3/96	12/3/2012
Eden	Time Warner	01/07/98	2/15/00	2/15/2015
Elon	Time Warner	None	7/8/97	7/8/2012
Gibsonville	Time Warner	12/01/97	7/13/98	7/13/2013
Graham	Time Warner	06/02/98	1/4/00	1/4/2015
Haw River	Time Warner	07/07/97	7/7/97	7/7/2013
High Point	Time Warner	09/06/98	7/15/99	7/15/2014
High Point	LEXCOM	09/06/98	5/2/05	3/1/2014
Jamestown	Time Warner	09/15/98	9/21/99	7/15/2014
Lexington	Time Warner	03/01/88	9/21/99	11/4/2013
Lexington	LEXCOM	03/01/88	5/12/97	6/30/2013
Madison	Time Warner	04/13/98	12/9/99	12/9/2014
Mayodan	Time Warner	10/12/98	12/13/99	12/13/2014
Oak Ridge	Time Warner	11/02/00	12/2/04	12/2/2019
Pleasant Garden	Time Warner	08/10/04	5/13/05	5/13/2020
Ramseur	Time Warner	None	8/1/96	5/24/2007
Randleman	Time Warner	06/08/81	7/1/96	5/24/2007
Reidsville	Time Warner	01/03/94	3/9/94	3/9/2009
Stokesdale	Time Warner	02/17/05	4/20/06	4/21/2021
Summerfield	Time Warner	01/04/05	6/7/05	6/7/2020
Yanceyville	Comcast	01/01/94	4/4/95	7/1/2007

UPDATE 4/11/07 *25% penetration?